

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17961 of 2004

Between:

1. Palakurthi Srinivasulu, S/o Venkateswarlu,
R/o Bitragunta, Bogolu, Nellore District.
2. Palakurthi Brahmanandham, S/o P.Venkateswarlu,
R/o Patha Bitragunta, Bogolu, Nellore District
3. Palakurthi Venkata Ramakrishna, S/o Brahmaiah,
R/o 37/A, Railway Quarters, Wynchpet, Vijayawada
4. Devarakonda Venkata Lakshmi, D/o Ramanaiah,
R/o 37/A, Railway Quarters, Wynchpet, Vijayawada
5. Palakurthi Venkata Ramakrishna, S/o Ramanaiah,
R/o Patha Bitragunta, Bogolu, Nellore District.

..... PETITIONERS

AND

1. Union of India, rep.by its Secretary, Railway Board,
Rail Bhavan, New Delhi.
2. The General Manager, South Central Railway,
Rail Nilayam, Secunderabad.
3. The Chief Personal Officer, South Central Railway,
Rail Nilayam, Secunderabad.
4. The Chief Personal Officer, Administration,
South Central Railway, Rail Nilayam, Secunderabad.
5. The Senior Divisional Personal Officer & Controller
of Examinations, Secunderabad Division,

South Central Railway, Secunderabad.

6. The Senior Divisional Personal Officer & Controller

of Examinations, Hyderabad Division,

South Central Railway, Secunderabad.

7 The Senior Divisional Personal Officer,

Vijayawada Division, South Central Railway, Vijayawada

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, Order or direction more particularly one in the nature of Writ of Certiorari and call for the records in O.A.No.901 of 2004 dated 20-08-2004 on the file of the Central Administrative Tribunal Hyderabad Bench and quash the conducting of written test in pursuance of notification SCR/BZA/SRD/ST/2001 dated 05-06-2001 and issuance of call letters and consequently set aside the written test to be held in any future date and direct the respondents to recruit candidates in Group-D posts on division wise only.

Counsel for the Petitioners: MR.V.RAJA MANOHAR

Counsel for the Respondents: MR.R.S.MURTHY

Standing Counsel for Railways

The Court at the stage of admission made the following

ORDER (per the Hon’ble Sri Justice Goda Raghuram):

The 5th respondent herein issued a notification/advertisement dated 05-06-2001 initiating a Special Recruitment Drive for Schedule Caste Candidates for recruitment to the Group-D posts in various departments for the Vijayawada Division in the South Central Railway. A total 132 of vacancies were slotted for the said recruitment.

The educational qualification prescribed is a pass in 8th class from a recognized educational institution.

A recruitment procedure was notified including a screening test as per extant instructions in vogue from the candidates fulfilling the eligibility conditions. The appointment is to be after qualifying in the medical test after qualifying the screening test. There is a physical standards test too for assessing the physical fitness of a candidate for appointment.

The petitioners earlier assailed the notification in O.A.No.1027 of 2002 before the Central Administrative Tribunal, Hyderabad Bench when they were issued call letters to appear for the preliminary common written examination scheduled on 25-08-2002 and 01-09-2002. The challenge by the petitioners earlier was on the ground that the written examination was scheduled without prior intimation in this regard. The Tribunal dismissed the said O.A. Thereupon, the petitioners and other applicants in the said O.A. challenged the order of the Tribunal dated 23-08-2002 by filing Writ Petition No.20174 of 2002 before this Court. Initially, an interim order was granted not to declare the results of the written tests. Thereafter, by the order dated 09-01-2003 the said interim order was made absolute on an observation that the applicants have neither knowledge of reading Hindi or English and who studied in the local medium are required to compete in the screening test which is not in the local language and this aspect would require to be considered at the hearing of the Writ Petition. Eventually, as the Government had taken a decision to cancel the examination and to conduct a fresh examination, W.P.No.20174 of 2002 was dismissed as infructuous, in view of the stand of the Government to conduct a fresh examination.

A fresh examination/screening test was scheduled on the basis of the terms of the earlier notification dated 05-06-2001. The petitioners again filed O.A. No.901 of 2004 before the Central Administrative Tribunal. They assailed the recruitment and in particular the

screening test on the following substantial grounds:

- a) That the Special Recruitment Drive for Group-D vacancies being for the Vijayawada Division, throwing open of the selection for all candidates including some from other divisions and also from other parts of the country is illegal and would deprive the fair chances of the petitioners and others belonging to the Vijayawada Division by increasing the competition;
- b. That as the educational qualification prescribed is a pass in 8th class; conducting a screening test without providing the syllabus is illegal and puts them at a disadvantage; and
- c. Clubbing of the various Recruitment Divisions of Vijayawada and other divisions is illegal.

The Tribunal by the order dated 20-08-2004 rejected O.A. No.901 of 2004 recording the following reasons in brief.

Though the recruitment and the screening test is intended to fill up the backlog vacancies of Vijayawada Division, it cannot be confined only to the applicants/candidates residing in Vijayawada Division as the posts/vacancies are those arising under the Railway Administration, a department of the Central Government and it is open to all the citizens living in any part of the country to compete for such vacancies subject to fulfilling the requisite qualifications. Insofar as the contention of the petitioners, as against the screening test is concerned, the Tribunal held that since examinations are proposed to be held setting question papers in all three languages including the Telugu language, the applicants cannot have any grievance in respect of the examination proposed to be held on 29-08-2004. The Tribunal also noted the statement of the learned Standing Counsel for Railways that the written test proposed to be held is of the 8th standard, which is the minimum educational qualification prescribed in the notification.

On recording this submission of the learned Standing Counsel for the Railways, the Tribunal concluded that the petitioners suffer no legal prejudice and there is no legal infirmity in the conducting of the screening test.

Sri Tarakam, learned Senior Counsel appearing for the petitioners in this Court,

urges that the conducting of screening test would confer an advantage to such of those applicants who possess higher qualifications. Such an eventuality by itself would not invalidate the conducting of screening test. So long as the screening test is of the 8th standard and it is rationally tailored to the minimum educational qualification prescribed for the recruitment, the mere fact that some persons derive an advantage while competing for selection on the basis of such a screening test, would not result in any illegality.

Aggrieved by the dismissal of O.A. No.901 of 2004, the petitioners are before this Court reiterating the contentions, which have been rejected by the Tribunal.

For the reasons and under the facts and circumstances adverted to above, and in view of the fact that the Railway Administration has reiterated before this Court that the screening test would be conducted duly conscious of the fact that a pass in 8th class is a requisite qualification, and this test would also be in Telugu language, we find no cause for interference. The contention reiterated by the petitioners that only the candidates belonging to the Vijayawada Division should be permitted to compete, is a contention that is misconceived and inconsistent with the equal opportunity injunctions enshrined under Articles 14 and 16 of the Constitution of India. We find no merits in the Writ Petition.

Accordingly, the Writ Petition is dismissed at the stage of admission. No costs.

J. CHELAMESWAR, J

GODA RAGHURAM, J

11th October, 2004.

Isn/knk

To

1. The Secretary, Union of India, Railway Board,
Rail Bhavan, New Delhi.
2. The General Manager, South Central Railway,
Rail Nilayam, Secunderabad.

3. The Chief Personal Officer, South Central Railway,
Rail Nilayam, Secunderabad.
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